

REMARKS:

Reconsideration of the rejections set forth in the Final Office Action mailed January 29, 2003 and entry of the present amendment is requested because Applicants respectfully submit that the Amendment places the application in a condition for allowance or in better form for consideration on appeal.

In the Office Action, claims 70-75, 78, 79, and 81 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,460,628 ("the Neuwirth et al. reference") in view of U.S. Patent No. 5,797,903 ("the Swanson et al. reference"), claims 82-84 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,498,238 ("the Shapland et al. reference") in view of the Swanson et al. reference, and claims 76 and 80 were rejected under 35 U.S.C. § 103(a) as obvious over the Neuwirth et al. reference in view of the Shapland et al. reference and further in view of the Swanson et al. reference.

Because the Swanson et al. reference is not prior art to the present application, it may not be combined with the other cited references to render the present claims obvious. The Swanson et al. reference was filed on April 12, 1996, and claims the benefit of two provisional applications filed on January 19, 1996. In contrast, the present application is a continuation in a series of continuation applications, the first of which was filed on November 13, 1992. Thus, the priority date of the present application is November 13, 1992, before the earliest possible priority date of the Swanson et al. reference, January 19, 1996. Therefore, the Swanson et al. does not qualify as prior art to the present application.

Without the Swanson et al. reference, the remaining Neuwirth and Shapland et al. references, either alone or in combination, fail to disclose, teach, or suggest the subject matter of the present claims for the reasons explained in Applicants' earlier Amendment filed on November 6, 2002. Accordingly, the § 103(a) rejections should be withdrawn.

If the Examiner concludes that the present application is in condition for allowance, Applicants request that claim 77, directed to an unelected species, be reinstated.

In view of the foregoing, it is submitted that the present application is now in condition for allowance. Accordingly, reconsideration and allowance of the application is requested.

Respectfully submitted,

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